

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

COMMERCIAL DEVELOPMENT
COMPANY, a Missouri corporation;
ENVIRONMENTAL LIABILITY
TRANSFER INC., a Missouri corporation; and
WASH PAPER LLC, a Missouri Washington
limited liability company as assign,

Plaintiffs,

v.

ABITIBI-CONSOLIDATED INC., a foreign
corporation,

Defendant,

Case No. C07-5172RJB

ORDER ON PLAINTIFFS' PETITION
FOR ENTRY OF A PARTIAL FINAL
JUDGMENT AND FOR A STAY OF
PROCEEDINGS

This matter comes before the Court on Plaintiffs' Petition for Entry of a Partial Final Judgment and Stay of These Proceedings Pending Appeal. Dkt. 183. The Court has considered the pleadings filed in support of and in opposition to the motion and the file herein.

Plaintiffs originally filed this action on March 21, 2007, in Pierce County, Washington Superior Court, alleging that Abitibi wrongfully refused to sell Plaintiffs commercial real property located in Steilacoom, Washington. Dkt. 1; Dkt. 25, at 10-11. The subject property is approximately 84 acres and was a former paper and pulp mill site. *Id.*

Plaintiffs request that the Court "certify its decisions" on Plaintiffs' specific performance claim, contract claim, and breach of the duty of good faith and fair dealing claim "as final judgments, so that Plaintiffs may seek immediate appeal on these issues." Dkt. 183, at 2. Plaintiffs also seek a stay of these proceedings. *Id.*, at 6.

Abitibi-Consolidated, Inc. ("Abitibi") opposes the motion, and argues that Plaintiffs' petition

1 should be denied because there is no risk of duplicative trials, certification will result in piecemeal
2 appeals, Plaintiffs will suffer no harm if they wait until final judgment in light of the fact that the
3 notice of the lis pendens has been lifted, and Plaintiffs' request for a stay should be denied. Dkt. 192.


4 No Reply was filed.

5 For the reasons stated in Abitibi's opposition, (Dkt. 192), Plaintiffs' Petition for Entry of a
6 Partial Final Judgment and Stay of These Proceedings Pending Appeal should be denied.

7 Therefore, it is hereby, **ORDERED** that:

- 8 • Plaintiffs' Petition for Entry of a Partial Final Judgment and Stay of These
9 Proceedings Pending Appeal (Dkt. 183) is **DENIED**; and
- 10 • The Clerk of the Court is directed to send uncertified copies of this Order to all
11 counsel of record and to any party appearing *pro se* at said party's last known
12 address.

13 DATED this 3rd day of June, 2008.

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17 Robert J Bryan
18 United States District Judge
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